

A medical facility data communications system, the system comprising:
an internal data communications network;
a plurality of clients coupled to the internal network and uniquely
addressed on the internal network; and
a data communications control system coupled to the internal
network for receiving client data from the clients, transmitting client
data to a remote service provider, receiving addressed data from the
remote service provider, and distributing the addressed data to the
clients.

Among the elements not taught or suggested by Wong et al. are *a data communications control system, transmitting client data to a remote service provider, receiving addressed data from the remote service provider, and distributing the addressed data to the clients and a remote service provider.*

The Examiner uses the Wong et al. reference to reject claim 1 by making some basic assumptions. The Examiner assumes that the internal network is depicted as item 36 in Figure 1 of the Wong et al. reference. Likewise, the Examiner relates a plurality of clients coupled to the internal network to items referenced as number 38 in Figure 1 of the Wong et al. reference. In addition to the plurality of clients, the Wong et al. reference teaches a Medical Image Server , item 12 of Figure 1, being coupled to the internal network, item 36 of Figure 1. The Examiner uses these assumptions from the Wong et al. reference as the basis of the rejection of claim 1. The Examiner admits, however, that Wong et al. do not disclose the claimed data communications control system.

In turning to elements of claim 1, the Examiner's rejection of claim 1 is unfounded because the Wong et al. reference does not teach all of the elements recited in the claim. The first assumption made by the Examiner is that the claimed clients correspond to workstations 38 of Wong et al. From the Wong et al. reference, the workstations do not transmit client data, but request the image data from the Medical Image Server. Thus, the Medical Image Server does not receive "client data" from the workstations as suggested by the Examiner. Furthermore, the Wong et al. reference does not disclose a data communications control system, as admitted by the Examiner.

Accordingly, the Wong et al. reference does not suggest or teach a data communications control system coupled to an internal network.

Moreover, the Wong et al. reference fails to provide for transmitting client data to a remote service provider. The Medical Image Server receives image data from the CIIE and CRIE as described in Wong et al. Likewise, the Medical Image Server transmits image data to the workstations, but these are on the internal network as noted by the Examiner. The Medical Image Server does not transmit image data to any system other than those workstations on that internal network. Thus, the Wong et al. reference fails to teach or suggest transmitting client data to a remote service provider. The internal data communications network, as identified by the Examiner, cannot be both internal and external at the same time. Thus, the Wong et al. reference does not provide for any transmission between clients and a remote service provider. Accordingly, the Applicants respectfully request the Examiner to withdraw the rejection of claim 1 as based on the Wong et al. reference.

Furthermore, the Applicants respectfully request the Examiner to provide support under M.P.E.P. § 2144.03 for the Examiner's apparent assertion of what is "well known in the art." It is apparent in the rejection of the claims that the Examiner has made a significant logical leap from the actual teachings of the references, such as by Official Notice, to summarily declare the recited claims obvious without proper support for the apparent teachings, suggestions, and "well known" elements of the prior art. Essentially, the Examiner has taken Official Notice of facts outside of the record that the Examiner apparently believes are capable of demonstration as being "well-known" in the art. Therefore, in accordance with M.P.E.P. § 2144.03, the Applicants hereby seasonably traverse and challenge the Examiner's use of Official Notice. Specifically, the Applicants respectfully request that the Examiner produce evidence in support of the Examiner's position as soon as practicable during prosecution and that the Examiner add a reference to the rejection in the next Official Action. If the Examiner finds such a reference and

applies it in combination with the Wong et al. reference, the Applicants further request that the Examiner specifically identify the portion of the newly cited reference that discloses the allegedly “well known” elements of the recited claims, as discussed above, or withdraw the rejection.

Accordingly, claim 1 and the respective dependent claims 2-16 are believed to be patentable over the Wong et al. reference. For these reasons, the Applicants respectfully request the Examiner to withdraw the rejections of claims 1-16 under 35 U.S.C. § 103.

Claim 17 and The Claims Depending Therefrom

Claim 17 recites:

A data communications system for a medical diagnostic facility, the system comprising:

a plurality of clients linked to an internal network, the clients including a medical diagnostic imaging system;
a data communications control system linked to the internal network for receiving client data from the clients, distributing addressed data to the clients, transmitting client data to a remote service provider and receiving addressed data from the remote service provider; and
an external network interface coupled to the data communications control system for transmitting the client data to the remote service provider and for receiving the addressed data from the remote service provider.

Among the elements not taught or suggested by the Wong et al. reference are *a data communications control system, the clients including a medical diagnostic imaging system, and an external network interface.*

As noted above, the Examiner cites the Wong et al. reference as having a plurality of “clients” in the form of workstations 38 shown in Figure 1. Likewise, the Examiner references the clients including a medical diagnostic imaging system. The Examiner admits that Wong et al. fails to include all other elements in the claim.

The assumptions made by the Examiner are not supported by Wong et al., and even if correct, do not warrant the rejection. First, the Examiner assumes that the workstations of the Wong et al. reference can be considered medical diagnostic imaging systems by having the network of Wong et al. connect to the Internet. However, the network referred to by the Examiner is an internal network and cannot be interchanged as an external network. The Examiner's assumption fails because the item 36 of Figure 1 in the Wong et al. reference is defined by the Examiner as an internal network. Likewise, the Wong et al. reference does not teach or suggest a medical diagnostic imaging system on the same internal network as clients (even assuming the workstations are "clients" in the sense of the claims). In fact, the Wong et al. reference teaches that the workstations should interface only with the Medical Image Server and not that the "clients" are or could be medical diagnostic imaging systems. Moreover, the Examiner's assumption regarding the inclusion of a medical diagnostic imaging system as a client is inconsistent with the teaching and problem addressed by Wong et al. In particular, workstations 38 of Wong et al. access image data from the server 12 and, as such, are not medical diagnostic imaging systems (e.g. MRI, ultrasound, CT, X-ray) as that term is used in the claimed context. Accordingly, the Applicants respectfully request the Examiner to withdraw the rejection of claim 17 as based on erroneous assumptions regarding the Wong et al. reference.

In addition above, the Examiner has failed to identify all of the elements of claim 17 in Wong et al. The Examiner admits that Wong et al. fail to teach the data communication control system, receiving client data from the clients, and an external network interface. As discussed above with regard to claim 1, the Wong et al. reference fails to teach or suggest a data communication control system or any connection with such a system, or the ability of the clients to send client data. In addition to those elements, the Wong et al. reference fails to teach or suggest an external network interface that would allow for the transmitting of client data to a remote service provider. If the

Wong et al. network is an internal network as argued by the Examiner, no external network exists in the reference. Thus, the external network interface is not suggested or taught in the Wong et al. reference. Moreover, the Examiner does not cite any references for this element to support the rejection. Consequently, the workstations of the Wong et al. reference do not communicate with a remote service provider. Any communication is between the Medical Image Server and the workstations. Accordingly, the Applicants respectfully request the Examiner to withdraw the rejection of claim 17 as based on the Wong et al. reference.

As noted above, the Examiner has taken Official Notice of facts outside of the record that the Examiner apparently believes are capable of demonstration as being "well-known" in the art. Therefore, in accordance with M.P.E.P. § 2144.03, the Applicants hereby seasonably traverse and challenge the Examiner's use of Official Notice. Specifically, the Applicants respectfully request that the Examiner produce evidence in support of the Examiner's position as soon as practicable during prosecution and that the Examiner add a reference to the rejection in the next Official Action. If the Examiner finds such a reference and applies it in combination with the Wong et al. reference, the Applicants further request that the Examiner specifically identify the portion of the newly cited reference that discloses the allegedly "well known" elements of the recited claim 1, as discussed above, or withdraw the rejection.

Accordingly, claim 17 and the respective dependent claims 18-31 are believed to be patentable over the Wong et al. reference. For these reasons, the Applicants respectfully request the Examiner to withdraw the rejections of claims 17-31 under 35 U.S.C. § 103.

Claim 32 and The Claims Depending Therefrom

Claim 32 recites:

A communications system for a medical diagnostic facility, the system comprising:

an internal network;

a plurality of clients configured for connection to the network for transmission of client data and for receipt of addressed data, the clients including a physically mobile client; and

a data communication control system coupled to the internal network and to an external network for communicating client data and addressed data between the clients and a remote service provider, the data communications control system being configured to automatically access client data including data indicative of a location of the mobile client.

Among the elements not taught or suggested by Wong et al. are *a data communications control system, a physically mobile client, an external network, and communicating client data and addressed data between the clients and a remote service provider.*

The Examiner relies upon the Wong et al. reference for teaching an internal network 36 in Figure 1, and a plurality of “clients” 38 (actually workstations) connected to the internal network. The Examiner then admits that Wong et al. fail to teach a physically mobile client, a data communication control system, and an external network for communicating between the clients and a remote service provider.

The Examiner’s rejection is unfounded because it fails to identify all of the elements in the claim and is not supported by the reference. As discussed above, the Wong et al. reference fails to teach an external network, a data communication diagnostic system, a remote service provider, and a means of communicating client data and address data between the clients and the remote service provider. From the Examiner’s assumption, the network 36 is internal, it cannot be considered as an external network or allow for Internet access. Moreover, the Wong et al. reference nowhere teaches or suggests a physically mobile client. Accordingly, the Applicants respectfully request the Examiner to withdraw the rejection of claim 32 as based on the Wong et al. reference.

As noted above, once again, the Examiner has taken Official Notice of facts outside of the record that the Examiner apparently believes are capable of demonstration as being “well-known” in the art. In addition to the above arguments with regard to items being well known, the Examiner argued that a physically mobile client would be able to receive IP addresses from a service provider. Therefore, in accordance with M.P.E.P. § 2144.03, the Applicants hereby seasonably traverse and challenge the Examiner’s use of Official Notice. Specifically, the Applicants respectfully request that the Examiner produce evidence in support of the Examiner’s position as soon as practicable during prosecution and that the Examiner add a reference to the rejection in the next Official Action. If the Examiner finds such a reference and applies it in combination with the Wong et al. reference, the Applicants further request that the Examiner specifically identify the portion of the newly cited reference that discloses the allegedly “well known” elements of the recited claim 1, as discussed above, or withdraw the rejection.

Accordingly, claim 32 and the respective dependent claims 33-45 are believed to be patentable over the Wong et al. reference. For these reasons, the Applicants respectfully request the Examiner to withdraw the rejections of claims 32-45 under 35 U.S.C. § 103.

Claim 46 and The Claims Depending Therefrom

Claim 46 recites:

A method for communicating data in a medical diagnostic facility, the method comprising the steps of:

- (a) transmitting client data from a plurality of networked clients to a data communications control system via an internal network;
- (b) processing the client data in the data communications control system;
- (c) transmitting at least a portion of the client data from the data communications control system to a remote service provider via an external network.

Among the elements not taught or suggested by Wong et al. are *transmitting at least a portion of the client data from the data communications control system to a remote*

service provider via an external network, processing the client data in the data communications control system, and transmitting client data from a plurality of networked clients to a data communications control system via an internal network.

The Examiner refers to the Wong et al. reference for teaching transmitting client data from a plurality of network clients as the communication between a “client,” workstations 38 in Figure 1, and the Medical Image Server 12 in Figure 1. Likewise, the Examiner states that processing of the client data from the data communications control system is performed by the Medical Image Server. The Examiner then admits that the Wong et al. reference fails to teach the claimed processing and transmitting of a portion of the client data from the data communication control system to a remote service provider.

Once again, the assumptions made by the Examiner with respect to Wong et al., even if correct, still fail to support a reading of all of the elements in claim 46 and are erroneous. As discussed above, the workstations of Wong et al. do not send client data, but send requests to the Medical Image Server. Likewise, the Wong et al. reference does not teach a data communication control system, an external network, or a remote service provider as previously discussed. Furthermore, the Wong et al. reference teaches the processing of the data in the Medical Image Server and not in any other device. The single point of processing is inconsistent with the Examiner’s assertion that the processing would be completed in another type of system. Accordingly, the Applicants respectfully request the Examiner to withdraw the rejection of claim 46 as based on the Wong et al. reference.

As noted above, here too the Examiner has taken Official Notice of facts outside of the record that the Examiner apparently believes are capable of demonstration as being “well-known” in the art. Therefore, in accordance with M.P.E.P. § 2144.03, the Applicants hereby seasonably traverse and challenge the Examiner’s use of Official

Notice. Specifically, the Applicants respectfully request that the Examiner produce evidence in support of the Examiner's position as soon as practicable during prosecution and that the Examiner add a reference to the rejection in the next Official Action. If the Examiner finds such a reference and applies it in combination with the Wong et al. reference, the Applicants further request that the Examiner specifically identify the portion of the newly cited reference that discloses the allegedly "well known" elements of the recited claim 1, as discussed above, or withdraw the rejection.

Accordingly, claim 46 and the respective dependent claims 47-54 are believed to be patentable over the Wong et al. reference. For these reasons, the Applicants respectfully request the Examiner to withdraw the rejections of claims 46-54 under 35 U.S.C. § 103.

Claim 55 and The Claims Depending Therefrom

Claim 55 recites:

A method for managing data communications in a medical diagnostic facility, the method comprising the steps of:

- (a) coupling a plurality of clients to an internal network, the clients including at least one physically mobile client;
- (b) transmitting client data from the clients to a data communications control system, the client data including at least data indicative of a location of the at least one mobile client; and
- (c) storing the client data.

Among the elements not taught or suggested by Wong et al. are *a data communications control system, at least one physically mobile client, and transmitting client data from the clients to a data communications control system, the client data including at least data indicative of a location of the at least one mobile client.*

The Examiner refers to the Wong et al. reference as teaching a Medical Image Server and "clients" for receiving, transmitting, and storing client data. The Medical Image Server and "clients" are again said to be items 12 and 38, respectively, in Figure 1.

The Examiner admits that the Wong et al. reference fails to teach at least one physically mobile client and transmitting client data from the clients to a data communications control system, with the client data including at least data indicative of a location of at least one mobile client.

As before, the Examiner's rejection is unfounded because it is simply not supported by the reference and fails to identify all of the claimed elements in the recited claims. As discussed above, the Wong et al. reference simply does not teach a data communication control system, at least one mobile client, and client data including at least data indicative of a location of the at least one mobile client. Furthermore, the Wong et al. reference fails to include any mention whatsoever of data that relates to a client location. Accordingly, the Applicants respectfully request the Examiner to withdraw the rejection of claim 55 as based on the Wong et al. reference.

As noted above, here again the Examiner has taken Official Notice of facts outside of the record that the Examiner apparently believes are capable of demonstration as being "well-known" in the art. Therefore, in accordance with M.P.E.P. § 2144.03, the Applicants hereby seasonably traverse and challenge the Examiner's use of Official Notice. Specifically, the Applicants respectfully request that the Examiner produce evidence in support of the Examiner's position as soon as practicable during prosecution and that the Examiner add a reference to the rejection in the next Official Action. If the Examiner finds such a reference and applies it in combination with the Wong et al. reference, the Applicants further request that the Examiner specifically identify the portion of the newly cited reference that discloses the allegedly "well known" elements of the recited claim 1, as discussed above, or withdraw the rejection.

Accordingly, claim 55 and the respective dependent claims 56-60 are believed to be patentable over the Wong et al. reference. For these reasons, the Applicants